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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/732,545	12/08/2000	Dennis A. Barney	00-216	4172

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EXAMINER

PRETLOW, DEMETRIUS R

ART UNIT PAPER NUMBER

2863

DATE MAILED: 04/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/732,545

Applicant(s)

BARNEY ET AL.

Examiner

Demetrius R. Pretlow

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 16 February 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Sugano et al. Sugano et al. teach a plurality of controllers having a CPU which inherently has some type of clock and a communication network. Note column 6, lines 16-18 and Figure 2. Sugano et al. teach a vehicle fault diagnostic apparatus for detecting a fault of at least one sensor and an actuator, which is interpreted as establishing an operating characteristic. Note Sugano et al. column 4, lines 21-28 and Note Sugano et al. column 3, lines 12-24 and 60-64. Sugano et al. teach determining whether to update a local time in response to operating characteristics. Note Sugano et al. column 4, lines 21-38 and column 7, lines 40-67. Sugano et al. teach updating local time using the local clock in response to the update determination. Note Sugano et al. column 5, lines 49-53, column 8, lines 29-46. In reference to claims 2 and 26, Sugano et al. teach receiving an official time. Note column 3, lines 20-26. Sugano et al. teach determining whether the difference between the main standard time and the secondary standard time

is 1, which is interpreted as determining the difference between official time and local time. Note Sugano et al. column 7, lines 55-61. Sugano et al. teach that when the main standard time is renewed by one renewal unit time, the CPU renews the secondary standard time, secondary operating time, the exchange time, stored in each of the controllers, based on the new standard time, which suggests synchronization. Note Sugano et al. column 8, lines 25-46.

In reference to claims 3,4, 20, 28 and 29, receiving the operating characteristic indicative of a machine and engine would be inherent to the system of Sugano et al. Note column 4, lines 21-67.

In reference to claim 5, 18, 21,30 Sugano et al. teach if the main standard time is 1, the system advances to step 119 to 121 to 122 which equalizes the secondary time to the main standard time which is interpreted as determining to synchronize local time with official time in response to a difference being greater than a first threshold. Note column 7, lines 57-62 to column 8, lines 1-65.

In reference to claim 6, 16, 27 Sugano et al. teach a master controller (1). Note column 1, lines 12-45 and column 4, lines 59-62.

In reference to claim 7, 17, 31 Sugano et al teach receiving official time from the master controller. Note column 3, lines 13-45.

In reference to claim 8, 19,32, Sugano et al teach receiving an operating characteristic signal from the master controller. Note Sugano et al. column 4, lines 59-67.

In reference to claims 9 and 10, 22 and 33 Sugano et al. does not explicitly teach the master controller participating in an arbitration process among the controllers, however the arbitration process which includes receiving an arbitration signal would be inherent to the system of Sugano et al. Note column 5, lines 43-47.

In reference to claim 11, 23, 35 Sugano et al. teach the master controller is not limited thereto, and any one of the plurality of controllers in the vehicle control apparatus can be selected as the master controller. Note column 5, lines 43-47. The selection of a master controller would inherently include receiving a priority signal and determining whether to become the master controller in response to received at least one priority signal.

In reference to claim 12, 13, 14, 24, 34, 36, 37, 38 Sugano et al. teach the master controller is not limited thereto, and any one of the priority of controllers in the vehicle control apparatus can be selected as the master controller. Note column 5, lines 43-47. The selection of a master controller would inherently include receiving a plurality signal and determining whether to become the master controller in response to at least one priority signal and the initiation of an arbitration process.

Claims 15 and 25 contain the limitations similar to those in claim 1, which was discussed above.

Response to Arguments

3. Applicant's arguments are not found convincing. Applicant argues that Sugano et al. teach eliminating local clocks in the controllers. As stated above Sugano et al. teach the plurality of controllers containing a CPU which inherently includes a

clock. Applicant also argues that detecting a fault of at least one sensor and an actuator can not be interpreted as operating characteristics. Applicant points to the specification to terms "operating characteristics" are *indicative of whether the engine is running or stopped, oil pressure, or alternator activity*, however these limitations are not in the claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Demetrius R. Pretlow whose telephone number is (703) 308-6722. The examiner can normally be reached on Monday - Friday from 8:00 am to 4:30 pm.

Art Unit: 2863

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow, can be reached at (703) 308-3126. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

Demetrius R. Pretlow

Patent Examiner

Demetrius Pretlow 4/14/03

Michael Nghiem
MICHAEL NGHIEM
PRIMARY EXAMINER